

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
(WORCESTER DIVISION)

)  
G, a 12-year-old minor suing by a fictitious name )  
for privacy reasons, MOTHER, and FATHER, )  
suing under fictitious names to protect the )  
the identity and privacy of G, their minor child, )  
)  
Plaintiffs, ) ) Case No. 15-cv-40116-TSH  
v. ) )  
THE FAY SCHOOL (by and through its )  
Board of Trustees) and ROBERT GUSTAVSON,<sup>1</sup> )  
)  
Defendants. )  
)

**JOINT MOTION TO STAY THE LITIGATION**

The Parties hereby jointly move to stay the litigation, and reschedule the hearing on the Motion for Preliminary Injunction by 30 days. As reasons therefore, the Parties state as follows:

1. On August 12, 2015, the Plaintiffs filed their Complaint in the instant matter, and then filed a Motion for a Preliminary Injunction on August 19, 2015. Both were formally served on Defendants on August 19, 2015.

2. The Court has scheduled a hearing on the Motion for a Preliminary Injunction to take place on September 4, 2015.

3. The Parties reached an agreement that may eliminate the need for an injunction in this matter, and therefore need time to implement the terms of the agreement. As a result, the Parties ask that the case be stayed as follows:

a. Defendants' time to respond to the Motion for Preliminary Injunction be stayed until September 24, 2015, and the hearing on the Motion for

---

<sup>1</sup> The proper names of the Defendants are The Fay School, Inc. and Robert J. Gustavson, Jr.

Preliminary Injunction be rescheduled on September 25, 2015, or as soon thereafter as is convenient for the Court; and

- b. Defendants' time to respond to the Complaint be stayed until October 1, 2015.

4. In the event that the Parties reach a further agreement, the Parties will promptly notify the Court.

WHEREFORE, the Parties respectfully and jointly request that this Motion to Stay the Litigation be allowed.

Respectfully submitted,

Plaintiffs,  
G, MOTHER, and FATHER,

By their attorney,

/s/ John J.E. Markham, II  
John J.E. Markham, II (BBO No. 638579)  
MARKHAM & READ  
One Commercial Wharf West  
Boston, MA 02110  
Tel: (617) 523-6329  
Fax: (617) 742-8604  
jmarkham@markhamread.com

Defendants,  
THE FAY SCHOOL, INC. and ROBERT J.  
GUSTAVSON, JR.,

By their attorneys,

/s/ Jaimie A. McKean  
Sara Goldsmith Schwartz (BBO No. 558972)  
Jaimie A. McKean (BBO No. 657872)  
SCHWARTZ HANNUM PC  
11 Chestnut Street  
Andover, MA 01810  
Phone: (978) 623-0900  
Fax: (978) 623-0908  
schwartz@shpclaw.com  
jmckean@shpclaw.com

Date: August 25, 2015  
1538180v1

**CERTIFICATE OF SERVICE**

I, Jaimie A. McKean, hereby certify that on the 25<sup>th</sup> day of August, 2015, the foregoing document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

John J.E. Markham, II  
Markham & Read  
One Commercial Wharf West  
Boston, MA 02110

/s/ Jaimie A. McKean  
Jaimie A. McKean